

**UNITED STATES COURT OF APPEALS**

**NOV 2 2004**

**TENTH CIRCUIT**

**PATRICK FISHER**  
Clerk

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

v.

STEPHEN H. PAVEY,

Defendant-Appellant.

No. 03-1540  
District of Colorado  
(D.C. No. 01-CR-179-D)

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**ORDER**

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Before **EBEL**, **MURPHY**, and **McCONNELL**, Circuit Judges.

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Defendant-appellant, Stephen H. Pavey, appeals the district court's revocation of his five-year term of probation and its imposition of a six-month term of imprisonment to be followed by a three-year term of supervised release. On September 14, 2004, Pavey was ordered to show cause why his appeal should not be dismissed as moot. *See United States v. Meyers*, 200 F.3d 715, 721-22 (10th Cir. 2000) (holding that an appeal from the revocation of supervised release and resulting imprisonment becomes moot upon the completion of the term of imprisonment). Although Pavey has filed an untimely response to the order to show cause, he has failed to demonstrate that this court has jurisdiction over his

appeal. Specifically, he has failed to adequately show how his term of supervised release differs in any material way from his term of probation. Accordingly, we conclude that this appeal is moot and that we lack jurisdiction to consider the merits of Pavey's claims. The appeal is **dismissed**. Appellee's motion seeking to file a Supplemental Appendix is **denied**.

ENTERED FOR THE COURT

Michael R. Murphy  
Circuit Judge